

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

Docket No.: 07 Cr. 329
(SHS)

AFFIDAVIT OF
ELVIS FUENTES

ELVIS FUENTES,

Defendant.
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ELVIS FUENTES, being duly sworn, deposes and says:

1. I am the defendant herein and make this affidavit in support of a motion to suppress the physical evidence, including two handguns, seized from my apartment at 282 East Gun Hill Road, Apt. 7-A, Bronx, NY, on March 20, 2007.
2. At approximately 11:00 A. M. on March 20, 2007, I was at home with my three-year-old daughter. I heard a loud bang and opened the door to the apartment. Two or three agents wearing bulletproof vests pushed in the door and rushed into the house. They said they were looking for Tooie and asked me questions concerning his whereabouts. While I was talking to them, other agents went into my bedroom. I could see one of them opening drawers.
3. I then saw that agent come out of the bedroom and open the door to a closet in front of the bathroom. He then told me , in substance, that I might as well

tell him what was in the apartment because if I didn't, they were going to start breaking everything. I asked him if he had a search warrant, and he replied, in substance, "We're feds. We can do whatever we want."

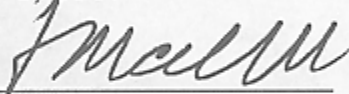
4. I never consented to a search of my apartment. The items they took from my bedroom were in a closed dresser drawer and from a closed safe. The other items they took were in a closed closet.



ELVIS FUENTES

Sworn to before me

May 1, 2007



Notary Public

JONATHAN MARKS
Notary Public, State of New York
No. 31-4695544
Qualified in New York County
Commission Expires June 30, 2008